

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

IRMON C. WILLIAMS,

Plaintiff,

v.

ZITA WISE, et al.,

Defendants.

Case No. 2:09-cv-177
HON. GORDON J. QUIST

REPORT AND RECOMMENDATION

Plaintiff Irmon C. Williams, formerly an inmate confined within the Michigan Department of Corrections, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. The case was set for a jury trial on June 10, 2013, in Marquette, Michigan. On May 20, 2013, the Court issued an Order for Writ of Habeas Corpus Ad Testificandum, directing the Michigan Department of Corrections (MDOC) to produce plaintiff for trial (Docket #145). On June 5, 2013, the Court was advised by the MDOC that plaintiff had been released from incarceration on May 30, 2013. Plaintiff had not filed a change of address with this Court. Accordingly, on June 5, 2013, an order was issued adjourning the jury trial and directing plaintiff to provide this Court with his current mailing address (Docket #150). Plaintiff appeared in Marquette, Michigan, on June 10, 2013, and at that time filed a change of address with this Court. On June 18, 2013, a Notice of Hearing was issued (Docket #153), scheduling a telephone status conference for June 26, 2013, at 10:00 a.m. The Notice stated,

. . . Counsel for defendants shall coordinate the conference call. According to the change of address filed by plaintiff, plaintiff can be contacted by telephone at 305-917-5571. If plaintiff's telephone number changes, plaintiff shall provide this Court and counsel for defendants with an updated telephone number.

At the day and time of the telephone status conference, counsel for defendants advised the Court that they were unable to reach plaintiff at the number provided by plaintiff. On June 27, 2013, an order was issued rescheduling the status conference for July 26, 2013, at 11:00 a.m. (Docket #154). Plaintiff was directed to appear in person at the U.S. District Court, 128 Federal Building, 315 W. Allegan Street, Lansing, Michigan. Plaintiff again failed to appear for the status conference.

Accordingly, because plaintiff has failed to comply with the orders of this Court and has twice failed to appear for a status conference, it is recommended that plaintiff's complaint be dismissed in its entirety, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute. *See Catz v. Chalker*, 142 F.3d 279, 286 (6th Cir. 1998); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Buck v. U.S. Dept. of Agriculture*, 960 F.2d 603 (6th Cir. 1992).

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within fourteen (14) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: July 30, 2013